United Nations Convention on the Law of the Sea CLCS/62

Commission on the Limits of the Continental Shelf

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Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The Commission on the Limits of the Continental Shelf held its twenty-third session at United Nations Headquarters from 2 March to 9 April 2009, pursuant to the decision taken at its twenty-second session (see CLCS/60, para. 62) and to paragraph 49 of General Assembly resolution 63/111. The plenary part of the session was held from 23 March to 3 April. The periods from 2 to 20 March and from 6 to 9 April were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

2. The following members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Francis L. Charles, Peter F. Croker, Indurlall Fagoonee, Mihai Silviu German, Abu Bakar Jaafar, Emmanuel Kalngui, Yuri Borisovitch Kazmin, Wenzheng Lu, Isaac Owusu Oduro, Yong Ahn Park, Fernando Manuel Maia Pimentel, Sivaramakrishnan Rajan, Michael Anselme Marc Rosette, Philip Alexander Symonds and Kensaku Tamaki. George Jaoshvili could not attend the session for reasons beyond his control.

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.26);

(b) Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission (CLCS/60);

(c) Joint submission of France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland dated 19 May 2006 made pursuant to article 76, paragraph 8, of the Convention and addressed through the Secretary-General of the United Nations to the Commission;

(d) Submission of Norway dated 27 November 2006 made pursuant to article 76, paragraph 8, of the Convention and addressed through the Secretary-General to the Commission;

(e) Submission of France dated 22 May 2007 made pursuant to article 76, paragraph 8, of the Convention and addressed through the Secretary-General to the Commission;

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(f) Submission of Mexico dated 13 December 2007 made pursuant to article 76, paragraph 8, of the Convention and addressed through the Secretary-General to the Commission;

(g) Submission of Barbados dated 8 May 2008 made pursuant to article 76, paragraph 8, of the Convention and addressed through the Secretary-General to the Commission;

(h) Submission of the United Kingdom of Great Britain and Northern Ireland relating to the continental shelf of Ascension Island dated 9 May 2008 made pursuant to article 76, paragraph 8, of the Convention and addressed through the Secretary-General to the Commission, together with a note from the Permanent Mission of the United Kingdom addressed to the Secretary-General accompanying the lodgement of this partial submission;

(i) Submission of Indonesia dated 16 June 2008 made pursuant to article 76, paragraph 8, of the Convention, and addressed through the Secretary-General to the Commission;

(j) Submission of Japan dated 12 November 2008 made pursuant to article 76, paragraph 8, of the Convention, and addressed through the Secretary-General to the Commission;

(k) Joint submission of Mauritius and Seychelles dated 1 December 2008 made pursuant to article 76, paragraph 8, of the Convention and addressed through the Secretary-General to the Commission;

(l) Communications from States: note verbale from the Permanent Mission of the Bolivarian Republic of Venezuela dated 17 September 2008 addressed to the Secretary-General; note verbale from the United States Mission to the United Nations dated 22 December 2008 addressed to the Secretariat of the United Nations; note verbale from the Permanent Mission of China to the United Nations dated 6 February 2009 addressed to the Secretary-General; note verbale from the Permanent Mission of the Republic of Korea to the United Nations dated 27 February 2009 addressed to the Division for Ocean Affairs and the Law of the Sea; and note verbale from the Permanent Mission of Japan dated 25 March 2009 addressed to the Commission; and note verbale from the Permanent Mission of India dated 25 March 2009 addressed to the Secretary-General.

Item 1
Opening of the twenty-third session by the Chairman of the Commission

4. The session was opened by the Chairman of the Commission, Mr. Albuquerque.

5. The Director of the Division for Ocean for Ocean Affairs and the Law of the Sea, Václav Mikulka, made a brief statement in which he referred to the recent increase in the number of submissions received by the Commission, several of which would be presented at the current session. Those submissions would be followed by many more in view of the forthcoming expiration of the time period provided for in article 4 of annex II to the Convention, as interpreted by the Meeting of States Parties in document SPLOS/72. In addition, the Director informed the

Commission of his transfer to the Codification Division of the Office of Legal Affairs and wished the Commission fruitful work in future sessions.

Item 2
Adoption of the agenda

6. The Chairman proposed the provisional agenda for consideration by the Commission. The provisional agenda was adopted without amendment (CLCS/61).

Item 3
Organization of work

7. The Chairman outlined the programme of work and the schedule for the Commission's deliberations on the various items on the agenda. Following a discussion, the Commission agreed on the programme of work, as proposed by the Chairman.

Item 4
Consideration of the joint submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

Report of the Chairman of the Subcommission regarding the progress of work during the twenty-third session

8. The Chairman of the Subcommission, Mr. Jaafar, informed the Commission that, during the twenty-third session, the Subcommission had met from 16 to 20 March 2009; during that period, the Subcommission had focused on finalizing the draft recommendations.

Consideration of recommendations

9. On 20 March 2009, the Subcommission established for the consideration of the joint submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland submitted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the joint submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland in respect of the area of the Celtic Sea and the Bay of Biscay on 19 May 2006" to the Commission.

10. On 23 March 2009, the Chairman of the Subcommission introduced the recommendations by delivering a presentation to the plenary of the Commission.

11. Pursuant to paragraph 15 (1bis) of annex III to the rules of procedure of the Commission (CLSC/40/Rev.1), a meeting was held between the Commission and the delegations of the four coastal States, at their request, on 24 March 2009. During that meeting a presentation was made by the Focal Point for the four delegations, Doug Wilson. In addition to representatives of each State, the delegations of the four coastal States included scientific and technical experts. In his presentation,

Mr. Wilson elaborated on the context of the submission, as a joint programme among the four coastal States, described the outer limit contained in the original submission, and provided an overview of the consideration by the Subcommission of the submission, as well as of the revised outer limit.

12. Mr. Wilson stated, inter alia, that all four coastal States could have made potentially overlapping, separate submissions. However, they considered it more appropriate to avail themselves of the possibility of making a joint submission since, upon the issuance of recommendations by the Commission, the four coastal States would be able to establish the outer limit of their continental shelf in the region prior to its delimitation among themselves.

13. Mr. Wilson also referred to the exchange of views between the Subcommission and the four coastal States, and in particular to the implementation of their combined 350 M constraint line. In the course of meetings with the Subcommission and the Commission during its twenty-first plenary session, the four coastal States, inter alia, affirmed the principle of using combined constraints in a joint submission. Subsequently, before proceeding with its recommendations to the Commission, the Subcommission offered the four coastal States the option of either revising the outer limit, taking into consideration the Subcommission's view, or maintaining their original view. Mr. Wilson stated that, after giving due consideration to the views of the Subcommission, and in the interest of the timely completion of the examination of the joint submission, the four coastal States had decided to accept the first option, without prejudice to this or any other future submission. Thereafter, the four coastal States presented a revised outer limit to the Subcommission, which accepted it.

14. Following the presentation by the four coastal States, the Commission proceeded with its examination of the recommendations. On 24 March 2009, the Commission adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the joint submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland in respect of the area of the Celtic Sea and the Bay of Biscay on 19 May 2006" by consensus. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the four coastal States and to the Secretary-General.

Item 5
Consideration of the submission made by Norway to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

Report of the Chairman of the Subcommission regarding the progress of work prior to and during the twenty-third session

15. The Chairman of the Subcommission, Mr. Symonds, informed the Commission that the Subcommission had met during the resumed twenty-second session from 1 to 12 December 2008. The Subcommission had held three meetings with the delegation of Norway and had presented to the delegation its "Preliminary considerations regarding certain issues in the Loop Hole in the Barents Sea, the Western Nansen Basin in the Arctic Ocean, and the Banana Hole in the Norwegian and Greenland Seas". During the twenty-third session, the Subcommission had met

from 2 to 13 March 2009. During that period, it had focused on finalizing the draft recommendations.

Consideration of recommendations

16. On 13 March 2009, the Subcommission established for the consideration of the submission made by Norway submitted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission made by Norway in respect of areas in the Arctic Ocean, the Barents Sea and the Norwegian Sea on 27 November 2006". On 23 March 2009, the Chairman and other members of the Subcommission introduced the recommendations by delivering a series of presentations to the plenary of the Commission.

17. Pursuant to paragraph 15 (1bis) of annex III to the rules of procedure (CLCS/40/Rev.1), a meeting was held between the delegation of Norway and the Commission, at the request of the delegation, on 25 March 2009. The presentation was made by Rolf Einar Fife, Director General, Legal Affairs Department, Ministry of Foreign Affairs of Norway and head of the delegation. The delegation of Norway included Morten Wetland, Permanent Representative of Norway to the United Nations, as well as a number of legal advisers and scientific and technical experts.

18. In his presentation, Mr. Fife provided an overview of the submission and of the exchange of views between the delegation of Norway and the Subcommission, expressing appreciation for the Subcommission's thoroughness and professionalism, including a dedicated approach relying on the precise identification and testing of all underlying scientific and technical data. He also recalled that Norway cooperated closely with its neighbouring States, the Russian Federation, Iceland and Denmark, together with Greenland and the Faroe Islands, all of which had given their consent to the consideration of the submission by the Commission.

19. Subsequent to the meeting, the Commission deliberated on the text submitted by the Subcommission and, on 27 March 2009, adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Norway in respect of areas in the Arctic Ocean, the Barents Sea and the Norwegian Sea on 27 November 2006", with amendments. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General.

Item 6
Consideration of the submission made by France to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

Report of the Chairman of the Subcommission regarding the progress of work during the twenty-third session

20. The Chairman of the Subcommission, Mr. Carrera, informed the Commission that the Subcommission had considered additional information provided by France during the intersessional period. He also indicated that, during the current session, the Subcommission had met from 16 to 20 March 2009. The Subcommission had agreed to finalize draft recommendations concerning the part of the submission in

respect of the area of New Caledonia. The Subcommission had also agreed that the part of the submission in respect of the area of French Guiana needed further analysis on the part of the submitting State.

21. The Subcommission had held a meeting with the delegation of France on 19 March 2009, informing it of its conclusions and expressing readiness to prepare and submit draft recommendations, should the submitting State agree with those conclusions. The delegation had requested a follow-up meeting, which had been held on 20 March 2009. At that meeting, the delegation had requested the Subcommission to elaborate further on its analysis and to postpone the preparation of the recommendations. The submitting State and the Subcommission had agreed to exchange views and further information during the intersessional period, and subsequently, during the twenty-fourth session. The Subcommission had decided that it would meet during the twenty-fourth session from 17 to 21 August 2009.

Item 7
Consideration of the submission made by Mexico to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

Report of the Chairman of the Subcommission regarding the progress of work during the twenty-third session

22. The Chairman of the Subcommission, Mr. Tamaki, informed the Commission that during the twenty-third session, the Subcommission had met from 16 to 20 March 2009. During that period, the Subcommission focused on finalizing the draft recommendations.

Consideration of recommendations

23. On 20 March 2009, the Subcommission established for the consideration of the submission made by Mexico submitted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Mexico in respect of the Western Polygon in the Gulf of Mexico on 13 December 2007" to the Commission. On 24 March 2009 the Chairman of the Subcommission introduced the recommendations by delivering a presentation to the plenary of the Commission.

24. On 31 March 2009, at the request of the delegation of Mexico, a meeting was held between the delegation and the Commission, pursuant to paragraph 15 (1bis) of annex III to the rules of procedure (CLCS/40/Rev.1).

25. The presentation of Mexico was delivered by Claude Heller, Permanent Representative of Mexico to the United Nations and head of the delegation. The delegation of Mexico included several legal advisers and scientific and technical experts. In his presentation, Mr. Heller expressed his delegation's gratitude to the Subcommission established to examine the submission by Mexico and in particular to its Chairman, Mr. Tamaki, for the efficient work. He stated that the delegation of Mexico accepted the outcome of the work carried out by the Subcommission and hoped that the Commission would adopt the recommendations promptly. He informed the meeting that Mexico reserved the right to make a second partial submission.

26. Subsequent to this meeting, the Commission deliberated on the text submitted by the Subcommission and on 31 March 2009 adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Mexico in respect of the Western Polygon in the Gulf of Mexico on 13 December 2007" by consensus. Pursuant to article 6, paragraph 3, of annex II to the Convention, the Recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General.

Item 8
Consideration of the submission made by Barbados to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

27. On 8 May 2008, Barbados submitted to the Commission, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

28. At the twenty-second session, the Commission addressed the modalities for the consideration of this submission, and decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, it would be addressed through the establishment of a subcommission. The Commission, however decided not to establish a subcommission at that session (see CLCS/60, para. 27).

29. At the present session, the Commission proceeded with the establishment of a subcommission to examine this submission in accordance with the established procedure (see CLCS/42, paras. 19-20). The Subcommission is composed of the following members: Mr. Albuquerque, Mr. Astiz, Mr. Croker, Mr. Lu, Mr. Oduro, Mr. Rajan and Mr. Rosette.

30. The Commission requested the Subcommission to meet with a view to organizing its work and electing its officers. The Subcommission met and elected Mr. Rajan as its Chairman and Messrs. Oduro and Croker as Vice-Chairmen.

Report of the Chairman of the Subcommission regarding the progress of work during the twenty-third session

31. The Chairman of the Subcommission, Mr. Rajan, informed the Commission that the Subcommission met on 31 March and during the week from 6 to 9 April 2009. After conducting a preliminary analysis of the submission, in accordance with paragraph 5 of annex III to the rules of procedure, the Subcommission concluded that it did not require the advice of specialists nor the cooperation of relevant international organizations (para. 5 (d)) and that further time would be required to examine all the data and prepare its recommendations for transmittal to the Commission. The Subcommission decided to work in groups during the session as well as during the intersessional period. It prepared a series of questions addressed to the delegation of Barbados.

32. The Subcommission decided to continue the examination of the submission during the resumed twenty-third session from 3 to 7 August 2009, as well as during the twenty-fourth session from 10 to 14 August 2009. It was also decided that any

meeting with the delegation of Barbados may be tentatively scheduled during the week of 10 to 14 August 2009, should such a meeting be deemed useful by the Subcommission to expedite its work, or required by the delegation.

Item 9
Consideration of the submission made by the United Kingdom of Great Britain and Northern Ireland to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

33. On 9 May 2008, the United Kingdom of Great Britain and Northern Ireland submitted to the Commission, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured in respect of Ascension Island.

34. At the twenty-second session, the Commission addressed the modalities for the consideration of this submission, and decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, it would be addressed through the establishment of a subcommission. However, the Commission decided not to establish a subcommission at that session (see CLCS/60, para. 34).

35. At the current session, the Commission proceeded to establish a subcommission to examine the submission in accordance with the established procedure (see CLCS/42, paras. 19-20). The Subcommission is composed of the following members: Messrs. Awosika, Brekke, Charles, Jaafar, Kazmin, Symonds and Tamaki.

36. The Commission requested the Subcommission to meet with a view to organizing its work and electing its officers. The Subcommission met and elected Mr. Awosika as its Chairman and Messrs. Brekke and Jaafar as Vice-Chairmen.

Report of the Chairman of the Subcommission regarding the progress of work during the twenty-third session

37. The Chairman of the Subcommission, Mr. Awosika, informed the Commission that the Subcommission had met on 31 March and during the week of 6 to 9 April. It had conducted a preliminary analysis of the submission, in accordance with paragraph 5 of annex III to the rules of procedure. The Subcommission concluded that it did not require the advice of specialists nor the cooperation of relevant international organizations (para. 5 (d)) and that further time would be required to examine all the data and prepare its recommendations for transmittal to the Commission.

38. The Subcommission decided that it would meet during the twenty-fourth session from 10 to 21 August 2009 and from 8 to 11 September 2009. The Subcommission decided that it would invite the delegation of the United Kingdom for meetings *during the period* from 18 to 21 August 2009, in accordance with paragraph 6 of annex III to the rules of procedure.

Item 10
Consideration of the submission made by Indonesia to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

39. On 16 June 2008, the Republic of Indonesia submitted to the Commission on the Limits of the Continental Shelf, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured in respect of the area of North West Sumatra.

40. The presentation of the submission to the Commission was made on 24 March 2009 by Arif Havas Oegrosseno, Director General for Legal Affairs and Treaties, Department of Foreign Affairs and head of the delegation. He stated that the submission, which covered the area of North West Sumatra, was the first partial submission made by Indonesia, adding that submissions in respect of the area of the South of Sumba and North of Papua would be made at a later stage. With regard to the latter, Mr. Oegrosseno stated that Indonesia had started consultations with neighbouring States to explore the possibility of making a joint submission.

41. Mr. Oegrosseno noted that the area for the partial submission in respect of North West Sumatra was not under any dispute of maritime boundaries. In that regard, he recalled that, in 1974, Indonesia concluded an agreement with India[1] relating to the delimitation of the continental shelf boundary between the two States.

42. Scientific and technical details of the submission made by Indonesia were presented by Rudolf W. Matindas, Head of the National Coordinating Agency on Survey and Mapping; Mr. Khafid, Technical Expert, National Coordinating Agency on Survey and Mapping; and Yusuf Djajadihardja, Director of Technology for Natural Resources Inventory, Agency for Assessment and Application of Technology. The delegation of Indonesia also included several other scientific, legal and technical advisers. Following the presentation, members of the delegation of Indonesia responded to questions posed by members of the Commission.

43. The Commission then continued its meeting in private and addressed the modalities for the consideration of the submission. The Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed through the establishment of a subcommission.

44. The Commission then considered the establishment of a subcommission in accordance with the established procedure (see CLCS/42, paras. 19-20). A discussion followed on the effect of establishing more than three active subcommissions and the practical difficulties with regard to the simultaneous availability of some members for the work of different subcommissions. The Commission decided that, in order to ensure expediency and efficiency in the light of a large number of submissions, another subcommission might be established as an exception to the general rule contained in the rules of procedure. The

[1] On 25 March 2009, India addressed a note verbale to the Secretary-General, in which it stated that it considered the submission made by Indonesia to be without prejudice to the question of delimitation of the continental shelf between India and Indonesia, which is to be settled by mutual agreement.

Subcommission is composed of the following members: Messrs. Croker, Fagoonee, German, Kalngui, Park, Pimentel and Tamaki.

45. The Commission requested the Subcommission to meet with a view to organizing its work and electing its officers. The Subcommission met and elected Mr. Croker as its Chairman and Messrs. Kalngui and Park as Vice-Chairmen.

Report of the Chairman of the Subcommission regarding the progress of work during the twenty-third session

46. The Chairman of the Subcommission, Mr. Croker, informed the Commission that the Subcommission had met on 31 March and during the week of 6 to 9 April. It had conducted a preliminary analysis of the submission, in accordance with paragraph 5 of annex III to the rules of procedure. The Subcommission concluded that it did not require the advice of specialists nor the cooperation of relevant international organizations (para. 5 (d)) and that the estimated time required to review all the data and prepare its recommendations for the Commission would depend on the timing and content of the responses to its questions from the delegation of Indonesia.

47. During the twenty-third session, the Subcommission prepared a series of questions addressed to the delegation of Indonesia concerning clarifications and requests for additional information. The Subcommission decided that it would meet during the twenty-fourth session from 10 to 21 August and from 8 to 11 September 2009, on the understanding that if any meetings with the delegation of Indonesia were deemed useful, or requested by the delegation, they could be held from 8 to 11 September.

Item 11
Consideration of the submission made by Japan to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

48. On 12 November 2008, Japan submitted to the Commission on the Limits of the Continental Shelf, in accordance with article 76, paragraph 8, of the Convention, information on the limits of its continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

49. The presentation of the submission was made on 25 March 2009 by Yukio Takasu, Permanent Representative of Japan to the United Nations, Kazuchika Hamuro, Ambassador, Permanent Mission of Japan to the United Nations, Asahiko Taira, Special Adviser, Chairman of the Advisory Committee to the Cabinet for the extension of the continental shelf, and Shin Tani, Cabinet Counsellor, Secretariat of the Headquarters for Ocean Policy, Cabinet Secretariat. The delegation of Japan also included a number of scientific, legal and technical advisers.

50. In his opening remarks, Mr. Takasu underscored the importance Japan attaches to ocean affairs and the high priority that its basic plan on ocean policy, developed following the enactment of the Basic Act on Ocean Policy of 2007, places on the submission of information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission. He stated, inter alia, that the submission of Japan

was based on detailed scientific data collected through comprehensive surveying activities carried out by many research vessels for over 26 years.

51. Mr. Hamuro then made a general statement on the submission, noting that it covered seven distinct regions located to the south and southeast off the main islands of Japan, namely: the Southern Kyushu-Palau Ridge; the Minami-Io To Island region; the Minami-Tori Shima Island region; the Mogi Seamount region; the Ogasawara Plateau region; the Southern Oki-Daito Ridge region; and the Shikoku Basin region.

52. Mr. Hamuro indicated that Mr. Tamaki, a member of the Commission, had assisted Japan by providing scientific and technical advice with respect to the submission.

53. He informed the Commission that, in accordance with paragraph 2 (a) of annex I to the rules of procedure, the submission was not the subject of any dispute between Japan and other States, except in certain specific areas. He noted that there was potential overlap between Japan and the United States of America in the areas from Haha Shima Islands and Minami-Tori Shima Island and from Minami-Io To Island; and between Japan and the Republic of Palau in the area from Oki-no-Tori Shima Island. He also noted that any recommendations on those areas would be without prejudice to the question of delimitation, in particular, drawing attention to the note verbale dated 22 December 2008 from the United States of America in that regard.

54. With respect to the notes verbales from the People's Republic of China and the Republic of Korea, Mr. Hamuro stated that they were related to an interpretation of article 121 of the Convention. Since the interpretation of that article did not fall within the mandate of the Commission and was not referred to in the rules of procedure, Japan requested the Commission not to take into account the position expressed in the two notes verbales. That request was also conveyed in a note verbale from the Permanent Mission of Japan addressed to the Commission, dated 25 March 2009.

55. Mr. Taira explained the volcanic and tectonic evolution of the Philippine Sea and Western Pacific as the background for the submission of Japan.

56. Mr. Tani provided a detailed, region-by-region explanation of the proposed outer limits of the extended continental shelf of Japan.

57. Following the statements and presentations, members of the delegation of Japan responded to questions posed by members of the Commission.

58. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention on the Law of the Sea and in rule 42 of the rules of procedure of the Commission, it would be addressed through the establishment of a subcommission. This subcommission, however, would not be formed until one of the existing subcommissions[2] had submitted its recommendations to the plenary of the Commission.

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[2] The existing subcommissions are those established to examine the submissions made, respectively, by France with respect to French Guiana and New Caledonia; by Barbados, by the United Kingdom of Great Britain and Northern Ireland with respect to Ascension Island; and by Indonesia.

59. The Commission also discussed the notes verbales that had been received from the People's Republic of China, the Republic of Korea and Japan, with a view to providing guidance to the subcommission to be established to consider the submission. The Commission, acknowledging that it has no role on matters relating to the legal interpretation of article 121 of the Convention, decided that it would revert to the matter when it was ready to proceed with the establishment of the subcommission and taking into account any further developments that might occur during the intervening period.

Item 12
Consideration of the joint submission made by the Republic of Mauritius and the Republic of Seychelles to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

60. On 1 December 2008, the Republic of Mauritius and the Republic of Seychelles submitted to the Commission, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf appurtenant to the Republic of Mauritius and the Republic of Seychelles, which lie beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the two States is measured in the region of the Mascarene Plateau.

61. The presentation of the submission was made on 26 March 2009 by representatives of the two coastal States in the following order: His Excellency, Arvin Boolell, Minister for Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius; His Excellency Patrick Pillay, Minister for Foreign Affairs of the Republic of Seychelles; Raymond Chang-Tave, Head of the Technical Committee of the Republic of Seychelles; Ms. Aruna Narain, Assistant Solicitor-General, Attorney General's Office of the Republic of Mauritius; Patrick Joseph, Exploration Manager, Seychelles Petroleum Company; Jagdish Koonjul, Ambassador, Head of the Technical Committee of the Republic of Mauritius. The delegations of Mauritius and Seychelles also included a number of scientific, technical and legal advisers.

62. In their presentations, the representatives of the two coastal States, inter alia, emphasized the fact that this was the first submission by African States, and the first to have been prepared collaboratively by two mid-ocean small island developing States. Both coastal States informed the Commission that they intended to make further submissions for their respective remaining areas of continental shelf.

63. The presentation illustrated the proposed outer limits of the continental shelf in the region of the Mascarene Plateau as well as the provisions of article 76 which were applied in the submission and the location of the foot of the continental slope.

64. It was stated that, during the preparation of their joint submission, the two coastal States had been assisted by the following members of the Commission: Mr. Brekke, Mr. Carrera, Mr. Fagoonee and Mr. Rosette. According to the two submitting States, the area of the extended continental shelf covered by the submission is not subject to any dispute between the coastal States nor between them and other States, as confirmed by the fact that no States had made comments on the Executive Summary of the joint submission, following its publication by the Secretary-General.

65. Pursuant to paragraph 27 of the terms of reference of the trust fund for the purpose of facilitating the preparation of submissions,[3] it was also stated that both coastal States had received financial assistance from that fund. They also acknowledged the support received from the Commonwealth Secretariat and GRID-Arendal. Following the presentation, members of the delegations of the two coastal States responded to questions posed by members of the Commission.

66. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention on the Law of the Sea and in rule 42 of the rules of procedure of the Commission, the joint submission made by Mauritius and Seychelles would be addressed through the establishment of a subcommission. Similar to its decision in respect of the submission by Japan, the Commission did not establish the subcommission for the consideration of the joint submission at the present session.

Item 13
Report of the Chairman of the Committee on Confidentiality

67. The Chairman of the Committee on Confidentiality, Mr. Croker, reported that the Committee had held no meetings during the twenty-third session, since no circumstances had arisen requiring such a meeting.

Item 14
Report of the Chairman of the Editorial Committee

68. The Chairman of the Editorial Committee, Mr. Jaafar, reported that no meetings of the Committee had been held during the twenty-third session.

Item 15
Report of the Chairman of the Scientific and Technical Advice Committee

69. The Chairman of the Scientific and Technical Advice Committee, Mr. Symonds, stated that the Committee had not received any formal requests for scientific and technical advice since the twenty-second session. He also informed the Commission that the Committee had held one meeting during the twenty-third session.

70. The Chairman reiterated that it would be helpful if States that planned to request scientific and technical advice from the Commission could provide details as to nature of the assistance required to enable the Committee to prepare a list of the proposed members who may provide advice, taking into consideration the

[3] Terms of reference, guidelines and rules of the trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea. See General Assembly resolution 55/7, annex II, as amended by General Assembly resolution 58/240, annex.

technical and scientific nature of each request. States considering making such requests could find further information on the website of the Commission.

71. Mr. Symonds reminded the members who had been elected to the Commission for the first time at the seventeenth Meeting of States Parties held in 2007 to submit short biographic notes, including a brief statement of expertise, for posting on the website of the Commission. He also requested the re-elected members to update their biographic notes, as necessary. A template had been made available in order to facilitate the submission of the above information.

72. The Chairman informed the Commission that, pursuant to the decision taken at the twenty-second session (SPLOS/60, para. 35), the Scientific and Technical Advice Committee had prepared, together with the Training Committee, information in response to the request contained in paragraph 3 of the decision of the eighteenth Meeting of States Parties.[4] He recalled that the Meeting had invited the Commission to compile a list of publicly available scientific and technical data relevant to the preparation of submissions to the Commission, and to publicize the list, including by posting the list on the website of the Commission.

73. The Commission had decided to make this information available on its website, with a disclaimer indicating that the Commission takes no position with regard to the scientific and technical data nor to the general content of the listed websites.

Register of members of the Commission

74. At its twenty-second session, the Commission decided that, at the twenty-third session, the Scientific and Technical Advice Committee would deal with the establishment of a register of members providing scientific and technical advice to coastal States (SPLOS/60, para. 36).

75. At the twenty-third session, the Chairman of the Committee introduced a proposal concerning the establishment of a list of the members of the Commission who had provided or were providing scientific and technical advice to coastal States. The list would contain information, to be provided by members of the Commission and maintained with the support of the secretariat, concerning advice provided by them to coastal States, either in the discharge of the advisory function of the Commission in accordance with article 3, paragraph 1 (b), of annex II to the Convention, or in any other capacity. The list would constitute an internal reference document that would assist the Commission, inter alia, in the establishment of subcommissions as provided for in chapter X of the rules of procedure.

Item 16
Report of the Chairman of the Training Committee and other training issues

76. The Training Committee held no meetings during the twenty-third session.

[4] Decision regarding the workload of the Commission on the Limits of the Continental Shelf and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a) (SPLOS/183).

77. Under this agenda item, the Director of the Division provided the Commission with an overview of the eighth training course on the preparation of a submission to the Commission [on the Limits of the Continental Shelf] regarding the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. The training course, the fourth delivered at the subregional level, was organized by the Division in collaboration with the Government of Namibia, GRID-Arendal and the Federal Institute for Geosciences and Natural Resources (BGR), and with the support of the Government of Norway. The course had been conducted in Windhoek, from 15 September to 3 October 2008 and 49 technical and administrative staff from Angola, Cape Verde, Côte d'Ivoire, the Democratic Republic of the Congo, Gabon, the Gambia, Guinea, Ghana, Namibia, Nigeria, São Tome and Principe, Senegal, Sierra Leone and Togo had participated. The training course consisted, for the first time, of a week-long theoretical part and a week-long hands-on practical part, delivered on the first and on the last week, respectively. The Director expressed his gratitude to current member of the Commission, Mr. Carrera, former Commission member, Karl Hinz, and to the experts from the Division for their contribution, as instructors and experts, to the delivery of the theoretical part of the course, which had been organized by the Division for Ocean Affairs and the Law of the Sea. The practical part, organized by GRID-Arendal, had been delivered by the three geoscientists of that institution, supported by a Geographic Information Specialist. A Division expert had also delivered a presentation on the process of application for assistance from the trust fund for the purpose of facilitating the preparation of submissions.[5] With respect to future training activities, the Director stated that, at the moment, the Division was not planning any further training activities, but remained open to requests from individual States or regions and subregions.

78. The Commission took note of the series of regional and subregional training courses on delineation of the outer limits of the continental shelf beyond 200 nautical miles and for preparation of submissions to the Commission on the Limits of the Continental Shelf organized by the Division since 2005, which had benefited 53 States and 299 trainees to date. The participation of 157 of those trainees, from 44 States, had been made possible thanks to financial assistance from the trust fund for the purpose of facilitating the preparation of submissions.

Item 17
Other matters

Nineteenth Meeting of States Parties

79. The Chairman informed the Commission about the matters that he intended to address in his letter to the President of the nineteenth Meeting of States Parties. Members of the Commission proposed the inclusion of certain additional matters to be reflected in that letter and in the statement of the Chairman to be made during the

[5] Terms of reference, guidelines and rules of the trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea. See General Assembly resolution 55/7, annex II, as amended by General Assembly resolution 58/240, annex.

Meeting of States Parties. The letter to the President would include the draft resolution on the expenses of members (see para. 80 below) for consideration by the Meeting of States Parties. When that resolution was presented to the Meeting of States Parties, it would also be reiterated that, in the past, a number of attempts had been made before the Meeting of States Parties to consider more favourable institutional arrangements for the Commission. This was still a matter that needed to be addressed in the long term.

Expenses of the members of the Commission

80. At its twenty-second session (see CLCS/60, paras. 54-55), the Commission decided to establish an intersessional working group, to be composed of Messrs. Carrera, Charles, Croker, Jaafar, Kazmin, Oduro and Park, to prepare a draft proposal for consideration by the Commission at its next session. The working group, chaired by Mr. Croker, met during the twenty-third session to finalize a draft proposal for a draft decision for consideration by the Meeting of States Parties, to clarify the nature and extent of "expenses" to be covered by the nominating State pursuant to article 2, paragraph 5, of annex II to the Convention. The draft proposal, to be annexed to the letter from the Chairman of the Commission to the President of the nineteenth Meeting of States Parties, was presented by the working group and adopted by the Commission, with amendments.

Format of recommendations and the summaries thereof

81. At its twenty-second session (see CLCS/60, para. 60), the Commission decided to establish a working group composed of Messrs. Brekke, Carrera, Jaafar, Symonds and Tamaki, Chairmen of past and present subcommissions, to prepare a draft proposal on a standardized format for the recommendations to be considered at the twenty-third session of the Commission.

82. At the twenty-third session, the working group prepared a standardized format and presented it to the Commission. The Commission adopted the proposed standardized format, with some amendments, as its internal working document, on the understanding that this would constitute a template that should be used by the subcommissions to expedite the preparation of all future recommendations.

Brazil request for clarifications from the Commission

83. The Government of Brazil, through a note verbale dated 24 July 2008, requested clarifications from the Commission in relation to the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Brazil on 17 May 2004".

84. At the twenty-second session (see CLCS/60, paras. 49-53), in the light of the nature of the questions raised by Brazil, and on the basis of past practice, the Commission decided to transmit the request to the Subcommission established to examine the submission made by Brazil, which would prepare a draft reply to be submitted to the Commission at the twenty-third session.

85. At the twenty-third session, the Commission considered the draft response prepared by the Subcommission. Mr. Kazmin, Vice-Chairman, took the Chair for the parts of the meetings dealing with the consideration of that response. After reviewing the draft response and incorporating a number of amendments, the

Commission approved it and requested the secretariat to transmit it to the Government of Brazil.

Presentation of new submissions to the Commission

86. The Commission addressed the practical implications of the growing number of upcoming submissions on the organization of work of its future sessions, in particular, in relation to the inclusion of the presentation of such new submissions on the provisional agenda in conformity with paragraph 2 of annex III to the rules of procedure. It was decided that the presentations of all new submissions would be included in the plan of work in accordance with paragraph 2 of annex III, unless the States concerned intended to make them at a later stage when they would be more practical and useful to the work of the Commission, in view of the queue system provided for in rule 51 (4bis) of the rules of procedure. The postponement of the presentations would not affect the position of the submission in the queue.

Resumed twenty-third and twenty-fourth sessions of the Commission

87. The Commission decided that it would resume its twenty-third session from 3 to 7 August 2009. During the resumed session, the Subcommission established to examine the submission made by Barbados would meet.

88. Recalling that its twenty-fourth session would be held from 10 August to 11 September 2009 (on the understanding that the periods from 24 August to 4 September would be for plenary meetings and that the periods from 10 to 21 August and from 8 to 11 September 2009 would be used for the technical examination of submissions at the GIS laboratories and other technical facilities of the Division), the Commission decided that: the Subcommission established to examine the submission made by France would meet from 17 to 21 August 2009; the Subcommission established to examine the submission made by Barbados would meet from 10 to 14 August 2009; the Subcommission established to examine the submission made by the United Kingdom of Great Britain and Northern Ireland (Ascension Island) would meet from 10 to 21 August 2009 and from 8 to 11 September 2009; and the Subcommission established to examine the submission made by Indonesia would meet from 10 to 21 August 2009 and from 8 to 11 September 2009.

Tentative dates for 2010 and 2011

89. Upon the request of the members of the Commission, the Secretariat provided information as to the tentative dates for the sessions to be held in 2010 and 2011, on the understanding that those dates and the provision of conference services were subject to the approval by the General Assembly. The tentative dates for the plenary parts of the sessions of the Commission in 2010 and 2011 are as follows: twenty-fifth session — from 5 to 16 April 2010; twenty-sixth session — from 16 to 27 August 2010; twenty-seventh session — from 28 March to 8 April 2011; and twenty-eighth session — from 8 to 19 August 2011. These dates do not include meetings by the subcommissions, which will cover up to four additional weeks per session, nor resumed sessions.

Trust funds

90. The Director informed the Commission about the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. According to the provisional statement of accounts, as at the end of December 2008, the balance of the trust fund was approximately $603,000.

91. He also provided an overview of the status of the trust fund for the purpose of facilitating the preparation of submissions, indicating that its balance as at the end of December 2008 was approximately $1,413,000.

Statement by the Legal Counsel

92. The Legal Counsel, Patrici rien, addressed the Commission on the last day of the plenary part of the twenty-third session. In her statement, Ms. O'Brien noted the volume of submissions expected by May 2009, and the arrangements made by the secretariat in that regard. She assured Commission members of the continued support by the secretariat with the highest standards of efficiency and competence to facilitate the work of the Commission in the discharge of its important functions. She also noted with appreciation the progress made at the current session, during which the Commission had adopted three new recommendations, the highest number of recommendations adopted in one single session to date.

Conclusion

93. The Commission noted with appreciation the high standard of secretariat services rendered to it and the completion of the acquisition of software packages. It expressed its appreciation to the staff of the Division and other members of the secretariat for the assistance provided to the Commission during the twenty-third session.